

SECOND REGULAR SESSION

SENATE BILL NO. 1372

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS KLINDT, YECKEL, CAUTHORN, DOUGHERTY,
GOODE AND GRIESHEIMER.

Read 1st time March 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4767S.02I

AN ACT

To amend chapter 262, RSMo, by adding thereto fourteen new sections relating to the Missouri wine and grape board.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 262, RSMo, is amended by adding thereto fourteen new sections, to be known as sections 262.820, 262.823, 262.826, 262.829, 262.832, 262.835, 262.838, 262.841, 262.844, 262.847, 262.850, 262.853, 262.856, and 262.859, to read as follows:

262.820. There is hereby created the "Missouri Wine and Grape Board", a body politic and corporate, an independent instrumentality exercising essential public functions, with duties and powers as set forth in sections 262.820 to 262.859.

262.823. The purpose of the board shall be to further the growth and development of the grape growing industry in the state of Missouri. The board shall have a correlate purpose of fostering the expansion of the grape market for Missouri grapes. To effectuate these goals, the board may:

(1) Participate in cooperation with state, regional, national, or international activities, groups, and organizations whose objectives are that of developing new and better grape varieties to determine their suitability for growing in Missouri;

(2) Participate in and develop research projects on improved wine making methods utilizing the new grape varieties to be grown in Missouri;

(3) Utilize the individual and collective expertise of the board members as well as experts in the fields of enology and viticulture selected by the board, to update and improve the quality of grapes grown in Missouri and advanced methods of producing wines from these Missouri grapes;

(4) Furnish current information and associated data on research conducted by and for the board to grape growers and vintners in Missouri as well as to interested persons considering entering these fields within the state; and

(5) Participate in subsequent studies, programs, research, and information and data dissemination in the areas of sales, promotions, and effective distribution of Missouri wines.

262.826. As used in sections 262.820 to 262.859, the following terms shall mean:

(1) "Board", the Missouri wine and grape board established pursuant to section 262.820;

(2) "Council", the Missouri wine marketing and research council established pursuant to section 275.462, RSMo.

262.829. The principal office of the board shall be located in Jefferson City, Missouri. The board may have offices at such other places as the board may from time to time designate. The board shall act as the organization within the department of agriculture charged with the promotion, research, and advisement of grapes and grape products in Missouri, and shall receive funding pursuant to section 311.554, RSMo.

262.832. Notwithstanding the provisions of any other law to the contrary, no officer or employee of this state shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the board or his service thereto.

262.835. The powers of the board shall be vested in seven commissioners, who shall be residents of this state. The board shall be composed of three industry members appointed by the governor, with the advice and consent of the senate, and four ex-officio members, including the president of the Missouri Grape Growers Association, president of the Missouri Vintner's Association, president of the Missouri Wine Marketing and Research Council, and director of the department of agriculture. The three members of the board appointed by the governor shall represent the Missouri grape and wine industry, food service industry, or media marketing industry. Ex-officio members shall be voting members of the board and their term will coincide with the time they hold the elected or appointed office qualifying them to be a member of the commission. Except for the ex-officio members, board members shall serve four-year terms, with each term beginning July first and ending on June thirtieth; except that of the board members first appointed, one shall be appointed for a term of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years. Each board member appointed thereafter shall be appointed for a term ending four years from the date of expiration of the term for which his predecessor was appointed; except that a person appointed to fill a vacancy prior to the expiration of such a term shall be appointed for the

remainder of the term. No board member appointed pursuant to sections 262.820 to 262.859 by the governor shall serve more than two consecutive full terms. Each board member shall hold office for the term of the member's appointment and until a successor is appointed and qualified.

262.838. A board member shall be removed from office by the governor for malfeasance, willful neglect of duty, or other cause after notice and public hearing, unless such notice or hearing shall be expressly waived in writing.

262.841. The board members shall annually elect from among their number a chairperson and vice chairperson, and such other officers as they may deem necessary.

262.844. The board shall meet in Jefferson City within sixty days of the effective date of this act to elect a chairperson and vice chairperson of the board. The committee shall thereafter meet annually, within sixty days of July first, to elect officers and conduct business of the board. Additional meetings shall be held at the call of the chairperson or whenever two board members so request. Four members of the board shall constitute a quorum, and any action taken by the board under the provisions of sections 262.820 to 262.859 may be authorized by resolution approved by a majority, but not less than three, of the board members present at any regular or special meeting. In the absence of the chairman, the vice chairman may preside over the annual meeting of the board or in the absence of the chairman, any meeting requested by two or more commissioners. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

262.847. Board members shall receive no compensation for the performance of their duties under sections 262.820 to 262.859, but each board member shall be reimbursed from the funds of the board for actual and necessary expenses incurred in carrying out the member's official duties under sections 262.820 to 262.859.

262.850. The board shall employ an executive director. The executive director shall be the secretary of the board and shall administer, manage, and direct the affairs and business of the board, subject to the policies, control, and direction of the board. The board may employ technical experts and such other officers, agents, and employees as they deem necessary, and may fix their qualifications, duties, and compensation. The executive director of the board shall be paid an amount to be determined by the board, but not to exceed that of a division director of the department of agriculture. The executive director and all other employees of the board shall be state employees and eligible for all corresponding benefits. The board may delegate to the executive director, or to one or more of its agents or employees, such powers and duties as it may deem

proper.

262.853. The secretary shall keep a record of the proceedings of the board and shall be custodian of all books, documents, and papers filed with the board and of its minute book. The secretary shall have the authority to cause to be made copies of all minutes and other records and documents of the board.

262.856. The board shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of sections 262.820 to 262.859, including, but not limited to, the power to:

(1) Receive and accept from any source aid or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of sections 262.820 to 262.859, subject to the conditions upon which the grants or contributions are made, including, but not limited to, gifts, or grants from any department, agency, or instrumentality of the United States for any purpose consistent with sections 262.820 to 262.859;

(2) To work with and counsel the viticulture and enology experts on the needs and requirements of grape producers and wine makers so as to optimize their work in developing the best strains of all grape varieties related to soil and climate conditions throughout the state and developing the art of wine making utilizing Missouri produced grapes;

(3) To review progress and final reports from these experts to determine the potential of economic forecasts for developing the Missouri grape and wine industries;

(4) To confer and cooperate with similar boards or councils in other states to further understandings and accords on the grape and wine industries;

(5) To approve and recommend desirable amendments to these powers of the board;

(6) To perform such other duties as may be necessary to proper operations of the board.

262.859. The board shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor and the general assembly. Each report shall set forth a complete operating and financial statement for the authority during the fiscal year it covers.